

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANCIS JOYCE

Plaintiff

v.

RICHARD DEVASTEY, et al.

Defendants

CIVIL ACTION

No. 12-0834

**ANSWER OF DEFENDANT FEDERAL DEPOSIT INSURANCE CORPORATION
AS RECEIVER FOR PROGRESS BANK OF FLORIDA
TO CROSS CLAIM OF ADDITIONAL DEFENDANT MANGO & AUGUST, INC.**

Defendant Federal Deposit Insurance Corporation (“FDIC”) as Receiver for Progress Bank of Florida (“FDIC-R”), by its counsel, hereby answers the Cross Claim of Additional Defendant Mango & August, Inc. (“Mango & August”) as follows:

29. Denied.

First Defense

The Cross Claim fails to state a claim upon which relief can be granted against FDIC-R.

Second Defense

Mango & August’s Cross Claim is barred in whole or in part by Mango & August’s own consent.

Third Defense

Mango & August has failed to mitigate its damages if any.

Fourth Defense

Mango & August's Cross Claim is barred in whole or in part by Mango & August's contributory or comparative negligence.

Fifth Defense

Mango & August's Cross Claim is barred by its assumption of the risk.

Sixth Defense

Mango & August's Cross Claim is barred in whole or in part by the applicable statute of limitations.

Seventh Defense

Mango & August's remedies against the FDIC-R are limited as set forth in the Financial Institutions Reform, Recovery and Enforcement Act of 1989 ("FIRREA"), 12 U.S.C. § 1821(d)(2)(A)(ii), (B) & (E).

WHEREFORE, the FDIC-R requests that judgment be entered in its favor and against Mango & August on its Cross Claim.

s/Lisa B. Wershaw

Jeffrey S. Saltz

Lisa B. Wershaw

Attorneys for Defendant FDIC-R

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